

REMARKS

The Examiner is thanked for the thorough examination of the application. The specification has been amended to insert headings. Claims 1-20 and 26 are pending in the application. The claims have been amended to improve their language. New claim 26 generally corresponds to claims 1, 13 and 17. No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claims 1-20 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The claims have been amended to be in better conformance with United States practice. The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Based On ANDE et al.

Claims 1, 2, 9, 17, 18 and 20 have been rejected under 35 USC §102(b) as being anticipated by ANDE et al. (U.S. Patent 4,877,626). Claims 3-8, 10-12 and 19 have been rejected under 35 USC §103(a) as being unpatentable over ANDE et al. Claims 13-16 have been rejected under 35 USC §103(a) as being unpatentable over ANDE et al in view of KERRY et al. (Meat Processing -

Improved Quality) and Chiu (U.S. Patent 4,171,381). These rejections are respectfully traversed.

The present invention pertains to a process of preparing a food product. Independent claim 1 recites, in part, the independent steps of "flavoring to give a smoked flavor to said food product; and at least one step of coloring, independent of said flavoring step, to give a color or nuance to said food product, by reinforcing a previous color."

ANDE et al. pertains to a method for coloring raw meat, which includes coating raw meat with a coloring solution formed from liquid smoke and caramel to obtain a raw uncooked meat have a uniform fixed dark color.

ANDE et al. fails to anticipate instant claim 1 of the present invention, in which a "flavoring" step is independent from the "coloring" step. This means that the coloring step is separate from the first flavoring step and from any first color resulting therefrom, so that a desired color may be obtained.

This is not the case in the method of ANDE et al. For example, a further darkening of the product obtained by ANDE et al. would necessarily require the utilization of additional coloring solution and hence also interfere with the taste of the product, because the coloring solution also contains liquid smoke that acts on the taste of the treated product. Indeed, the Official Action acknowledges that ANDE et al. pertains to "coloring/flavoring solution" at page 8, lines 21-22.

There is no teaching or suggestion in ANDE et al. to separate these two functions into independent steps. ANDE thus fails to anticipate claim 1 and additionally fails to be suitable for the basis of a *prima facie* case of obviousness.

The secondary references fail to address the deficiencies of ANDE et al. in disclosing or rendering obvious claim 1 of the present invention. Claims depending upon claim 1 are patentable for at least the above reasons.

These rejections are thus believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed January 29, 2004 and for making an initialed PTO-1449 form of record in the application.

The prior art of record in the application but not utilized is considered to be non-pertinent to the instant claims.

It is believed that the rejections have been overcome, obviated or rendered moot. It is believed that no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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